

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin M. Ferguson
Serial No.: 10/780,816
Filed: February 18, 2004
For: SUBJECTIVELY WEIGHTED NOISE MEASUREMENT
Examiner: Michael Lee
Art Unit: 2622
Confirmation No.: 1491

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the outstanding Notice of Abandonment dated July 3, 2007, Applicant submits the attached Petition for Revival of an Unintentionally Abandoned Patent Application (form PTO/SB/64).

This petition is being filed more than one year after the date of abandonment of the application. Accordingly, Applicant provides the following statement establishing unintentional delay:

I hereby certify that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional. This application was allowed on March 16, 2007. A Notice of Drawing Inconsistency with Specification was mailed to my office on May 1, 2007, which identified an inconsistency and required that it be corrected within one month or thirty days. My office received the notice, but due to an oversight, the inconsistency was not corrected. Instead, my office proceeded to pay the Issue Fee on June 21, 2007. Since the inconsistency was not corrected, the outstanding Notice of Abandonment was mailed to my office on July 3, 2007, however, for some unknown reason, my office did not receive it. Thus, my office was not aware that the application had been abandoned. Rather, my office was under the impression that the application had issued as a patent. I only recently discovered that the application had been abandoned during an audit of our files.

I am not sure why my office did not receive the Notice of Abandonment. Under my office's administrative procedures, incoming mail is received by our administrative staff, docketed, attached to a case file, and then delivered to the responsible attorney. I have conducted a thorough investigation of our administrative staff, our docket, and our case files, but I have not been able to find any indication that the Notice of Abandonment was received by my office. Thus, I can only conclude that it was lost in the mail. In order to eliminate the risk of losing future correspondences in the mail, my office has started using the USPTO's "e-Office Action" program so that future correspondences from the USPTO will be sent via e-mail.

In order to correct the inconsistency identified in the Notice of Drawing Inconsistency with Specification, please amend the specification by adding the following two paragraphs after paragraph [0007]:

FIG. 2A is a graphic view of standard unified weighting characteristic for standard definition video.

FIG. 2B is a graphic view of the rescaled unified weighting characteristic for high definition video.

These amendments are supported in the specification in paragraph [0009]:

The rescaled unified weighting characteristic for this HD format is shown in FIG. 2B, compared to the standard unified weighting characteristic for NTSC shown in FIG. 2A for comparison.

No additional fee is believed due. However, if an additional fee is due please charge that fee to Deposit Account 20-0352.

Respectfully submitted,

Kevin M. Ferguson

May 4, 2011

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